

Ruben Gutierrez, through undersigned counsel, hereby requests the issuance and service of a summons upon defendant Luis V. Saenz, Cameron County District Attorney, and states as follows:

Felix Saucedo, Jr., Chief, Brownsville Police Department

Federal Rule of Civil Procedure 4(c) requires Mr. Gutierrez as plaintiff to serve Mr.

Saenz with a summons. On September 30, undersigned counsel requested that Mr. Saenz waive service of a summons in this case. The same day, Assistant District Attorney Edward Sandoval informed undersigned counsel that Mr. Saenz would not agree to waive service. On October 1, 2019 undersigned counsel requested Mr. Saenz reconsider, but Mr. Sandoval indicated he would not. Thus, service of a summons is necessary.

Petitioner is indigent; his motion to proceed *in forma pauperis* is currently pending before this court. *See* ECF No. 7. Petitioner is financially unable to pay for fees for service of a summons. Petitioner requests that this Court order the clerk to issue a summons to Luis V. Saenz and order the United States Marshals to serve this summons. *See* Fed. R. Civ. Pro. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States marshal.... The court must so order if the plaintiff is authorized to proceed in forma pauperis...”).

Respectfully Submitted,

/s/ Peter Walker
Peter Walker
Assistant Federal Defender
Federal Community Defender for the
Eastern District of Pennsylvania
Suite 545 West, The Curtis Center
601 Walnut Street
Philadelphia, PA 19106
(215) 928-0520
peter_walker@fd.org

/s/ Richard W. Rogers, III
Richard W. Rogers, III
3636 S. Alameda St., Ste. B 191
Corpus Christi, TX 78411
(361) 888-7620
rwrogersiii@aol.com

Dated: October 7, 2019

Counsel for the Plaintiff

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for the defendants regarding this motion. Assistant Attorney General Jay Clendenin, counsel for Defendants Collier, Davis, and Lewis, indicated his clients take no position on the motion. Counsel for Defendant Saucedo, Alfredo Padilla, Deputy City Attorney for the City of Brownsville, indicated he does not oppose the motion. Cameron County Administrative First Assistant District Attorney Edward Sandoval indicated Defendant Saenz does not oppose the motion.

Dated: October 7, 2019

/s/ Peter Walker

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served the foregoing pleading and the attachments thereto on the following person by ECF filing:

Jefferson David Clendenin
Edward Larry Marshall
Assistant Attorneys General
Office of the Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711-2548

I further hereby certify that on this date, I served the foregoing pleading and attachments thereto on the following people via first class mail:

Luis V. Saenz
Cameron County District Attorney
964 E. Harrison Street, Fourth Floor
Brownsville, Texas 78520

Alfredo Padilla
Deputy City Attorney
City of Brownsville Legal Department
1001 E. Elizabeth Street, Floor 2
Brownsville, Texas 78520

/s/ Peter Walker
Peter Walker

Dated: October 7, 2019